

REMARKS

In the present Office Action, claims 1-13 were examined. Claims 1, 7-11, and 13 are rejected, and claims 2-6 and 12 are objected to.

By this Amendment, claims 14-17 have been canceled and claims 18-23 have been added. Accordingly, claims 1-13 and 18-23 are presented for further examination. No new matter has been added. By this Amendment, claims 1-13 and 18-23 are believed to be in condition for allowance.

Allowable Subject Matter

The Examiner indicated that claims 2-6 and 12 would be allowed if rewritten in independent form to include all limits of the base claims and any intervening claims.

New claim 18, which includes original claim 2 rewritten in independent form including all the limits of its base claim, claim 1 (claim 2 has no intervening claims), has been added. New claim 18 is therefore believed to be in condition for allowance. New claims 19-22, which include the subject matter of original claims 3-6 and depend from new claim 18, have also been added. For at least the same reasons new claim 18 is believed to be in condition for allowance, new claims 19-22 are also believed to be in condition for allowance.

New claim 23, which includes original claim 12 rewritten in independent form including all the limits of its base claim, claim 1 (claim 12 has no intervening claims), has also been added. Accordingly, new claim 23 is believed to be in condition for allowance.

As follows, Applicant traverses the rejections of claims 1 and claims 7-11. Upon notice of allowance of claims 1 and 7-11, new claims 18-23 will be canceled to avoid duplicate claims.

Rejections Under 35 USC §103

The Examiner rejected claims 1 and 7-11 under 35 U.S.C. §103(a) as being obvious and unpatentable in view of U.S. Patent No. 5,816,330, issued to Billiard et al., further in view of U.S. Patent No. 4,824,146, issued to Redfield. The Examiner rejected claim 13 under 35 U.S.C. §103(a) as being obvious and unpatentable in view of Billiard and Redfield, further in view of

U.S. Patent No. 3,752,234, issued to Dessinger et al. Applicant respectfully traverses these rejections for the following reasons.

In the present application, claim 1 is drawn to a fire extinguisher including a source of gas for pressurizing the suppressant. In the present application, the suppressant is initially not at pressure. Upon activation, the source of gas for pressurizing the suppressant recited in claim 1 of the present application causes the suppressant to become pressurized.

The Examiner cites Billiard, column 11, line 11, as disclosing a fire extinguisher comprising a source of gas. However, Billiard does not include a source of gas for pressurizing the suppressant. Rather, Billiard teaches and claims a source of gas for rupturing a disc 29 thereby allowing a previously pressurized suppressant to exit the extinguisher. The Examiner is directed to column 5, lines 18-21, which state, “[e]ach container portion 24 holds a quantity of pressurized suppressant material therein and includes an internal rupture disk for retaining the pressurized material.” (emphasis added) Thus, in contrast to the present application, Billiard teaches and claims a source of gas for depressurizing the suppressant. When disc 29 is ruptured by the source of gas in Billiard, the previously pressurized suppressant is allowed to exit from the extinguisher container thereby causing the suppressant to depressurize. Therefore, Billiard in view of Redfield fails to teach or suggest claim 1.

Claims 7-11 and 13 depend from independent claim 1. Therefore, for at least the same reasons that claim 1 is believed to be non-obvious and patentable over Billiard in view of Redfield, claims 7-11 and 13 are also believed to be non-obvious and patentable.

Accordingly, Applicant submits that none of the references, alone or in combination, anticipate or make obvious the invention as presently claimed and that the application is now in condition for allowance. Therefore, Applicant respectfully requests reconsideration and further examination of the application and the Examiner is respectfully requested to take such proper actions so that a patent will issue herefrom as soon as possible.

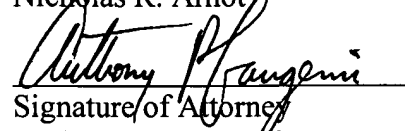
If the Examiner has any questions or believes that a discussion with Applicant’s attorney would expedite prosecution, the Examiner is invited and encouraged to contact the undersigned at the telephone number below.

Please apply any credits or charge any deficiencies to our Deposit Account No. 23-1665.

Date: May 21, 2004
Reg. No. 42,565

Respectfully submitted,

Nicholas R. Arnot

A handwritten signature in black ink, appearing to read "Anthony P. Gangemi", is written over a horizontal line.

Signature of Attorney

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